

OVERVIEW of the Daf

1) **MISHNAH:** Specific cases are discussed and then the Mishnah summarizes: a person is liable to bring a chatas only if the beginning and end of the act were performed inadvertently.

2) Clarifying the Mishnah

The first ruling of the Mishnah states that a person is exempt after remembering that it was Shabbos only if the object was intercepted before it reached the ground. This is inconsistent with the general rule presented at the end of the Mishnah.

Rava answers that the first case should be divided into two separate cases. One exemption is if the person remembers before the object lands and the second exemption is when the object is intercepted.

R' Ashi answers by inserting a qualification into the Mishnah.

3) Questions of liability

Rabbah and Rava disagree about liability in a case where a person transported an object two amos inadvertently, two amos intentionally, and then two amos inadvertently. According to Rabbah he is exempt and the case refers to where the object was carried whereas according to Rava he is liable and the case refers to where the object was thrown.

Rava ruled: If a person throws an object and it lands in the mouth of a dog or in the mouth of a furnace he is liable, and the case refers to where the thrower intended the object to land in that particular place.

A Beraisa is quoted which supports this principle that an object less than four tefachim can become legally significant through intent.

הדרן עלך הזורק

4) **MISHNAH:** The Mishnah discusses the amount of work necessary for liability concerning melachos related to building.

5) Liability for building any amount

R' Acha bar Yaakov explains: Liability for building a minimal amount will be incurred when a person fills a hole in the wall with clay.

Rulings that appeared contradictory regarding liability for building a wall are resolved by explaining that each opinion refers to a different stage in building a wall.

6) Three disputes between Rav and Shmuel

Rav and Shmuel disagree in three cases whether the act violates the prohibition against building or delivering the final hammer blow. The Gemara explains why all three cases are necessary to understand their positions.

R' Yochanan seems to follow the opinion of Shmuel that chiseling violates the prohibition against delivering the final hammer blow whereas R' Noson bar Oshiya disagrees. ■

Distinctive INSIGHT

From the Beginning Until the Very End

זה הכלל כל חייבי חטאות אינן חייבין עד שתהא תחילתן וסופן שגגה

In order to be obligated to bring a chatas offering for an inadvertent act, the rule of our Gemara is that the act must be done **בשוגג** from the beginning until the end. Sfas Emes presents a query whether this rule which the Gemara states regarding inadvertent acts of violating Shabbos also would apply by **מזיד**, where the act was done intentionally. Do we use this same guideline for intentional acts, and say that the person must maintain an uninterrupted mind set of intent from the beginning of the act until the end? Now, if it was true, it would mean that if the person had regret in the middle, but could not stop the events from unfolding, he would be exempt.

To solve this question, Sfas Emes cites the opinion of Riv"z (brought in Tosafos 4a, **קודם שיבוא**, ד"י). The case is where a person placed dough in an oven on Shabbos in order to bake. If the dough remains in the oven, he would be guilty of intentional violation of the Shabbos. However, the person suddenly regrets his act, and he wants to scrape the dough off the walls of the oven before it reaches a state of being baked. The problem is that scraping the dough or the loaves off the wall of the oven (**רדיית הפת**) is rabbinically prohibited. The conclusion is that we do not allow this person to actively violate this rabbinic law, and that he may not remove the bread which is in the process of baking. But, on the other hand, he is also exempt from **סקילה**.

Sfas Emes makes the following observation. The original act of placing the dough in the oven should determine this person's defiance of Shabbos. Why should this person's culpability be diminished just because we prevent him from removing the

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REVIEW and Remember

1. Why is a person who threw an object exempt if it was intercepted by a dog?
2. According to Rabbah, why is the case of carrying inadvertently, intentionally, and then inadvertently different from R' Gamliel's ruling concerning writing two letters inadvertently?
3. What general criterion for liability is introduced by the Mishnah that begins the twelfth perek?
4. Why is it necessary for Rav and Shmuel disagree in three separate cases?

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לע"נ דוד בן מענדל הכהן

By his children

Mr. and Mrs. Craig Cowan, London, England

HALACHAH Highlight

An Overview of the Laws of Makeh B'patish¹

A) The definition of Makeh B'patish

The term Makeh B'patish literally means "hammer blow". It is a description of one of the key manufacturing activities of the Mishkan, as explained earlier. Specifically, the term Makeh B'patish refers to the final hammer blow that completed a vessel or component, and perfected its symmetry. According to some commentaries, the term refers to the act of repairing the goldsmith's hammer, done by striking it upon the anvil to flatten and smooth the surface of the hammer-head.

However, the general melacha of Makeh B'patish may be defined as any act of completion. This act need not be accomplished by a hammer or any other tool. In fact, any manner of creating, perfecting, or repairing an item can be considered an "act of completion", and be classified under the melacha of Makeh B'patish M'deoraisa.

Even a simple, primitive act can be a full-fledged transgression of Makeh B'patish. For example, carving a (detached) tree branch to serve as an axe handle, or sharpening a strip of metal to fashion a primitive cutting edge, if a functional (albeit improvisational) item of use is thus created. Thus, there are virtually countless possible applications of Makeh B'patish.

B) General concepts of Makeh B'patish: Completing or perfecting an item

The term completion here includes any act of creating or perfecting an item by which that item can then be deemed fit and functional for an intended use. The concept of "completion" can be divided into separate concepts:

- Creating
- Perfecting
- Strengthening a material

Each of these concepts will be briefly introduced below.

1) Creating an item of use

Gemara GEM

Building a Sequence

Tosafos notes that we really need to clarify why the Mishnah presents the topic of construction at this point in the masechta, immediately after הוצאה/transferring and זריקה/throwing.

Tosafos Yom Tov explains that the Gemara has now concluded its discussion of the final two melachos which appeared in the list of 39 in the Mishnah (73a). The Mishnah now wants to continue to back-

הבונה

track and deal with the previous melacha in the list, that of מכה בפטיש. Because this melacha of delivering the final blow and completing an object, is associated with building, we now direct our discussion to the details of בונה, which will lead to the laws of מכה בפטיש.

The Sefer מגיני שלמה points out that the order of the Mishnah follows the sequence in which the melacha activities actually took place in the construction of the Mishkan itself. The donations were first brought through the public domain to a central location. This is why the masechta begins with הוצאה, and why we

recently elaborated upon the labors of transferring and throwing from one domain to another. The next step of the construction was when the boards were put into their places and secured, which is בונה.

Alternatively, he also says that the melachos are presented in the order of the most common activities in which people are involved. Everyone carries things in the street, so the Gemara begins with this most frequent occurrence. We then proceed to discuss building, which is an activity which is done by most people in one form or another. ■

(Insight...continued from page 1)

bread from the oven? After all, his having placed the bread in the oven was with intent. It must be, then, that once his act of מויד is interrupted, this already exempts the person. Therefore, we see that the same concept which we find by inadvertent acts of violating Shabbos also applies by intentional acts as well, and that the act must be completed from start to finish with the same degree of intent (or the lack of it). ■

The act of creating any object of use is a true act of completion, and is therefore Makeh B'patish. This is referred to in the Talmud as Tikun Mana. Any act of creation is Makeh B'patish, whether the new creation consists of a hard material, a soft and pliant substance, or even a liquid form.

2) Perfecting an item

Makeh B'patish can also occur when completing or perfecting an item that is already basically functional, but merely lacks some aspect of completion (i.e. the "finishing touch"). If, for example, a new silver cup is basically complete but requires one last hammer blow to perfect its symmetry, that blow would be Makeh B'patish. Similarly, opening the factory stitching in pockets or vents of a new suit or dress may be Makeh B'patish. (Tearing the stitching may also involve the Melocho of Koraya.)

3) Strengthening a vessel

Strengthening the composition of a material is considered a significant improvement, even if the item does not change its shape or appearance as a result. The Talmud states that, according to one view, it is forbidden to pour cold water into a hot metal kettle or pot (even if the water itself will not get hot and become cooked) because this tempers the metal, and is identical to the process of annealing. Annealing is the process of heating metal or glass and then cooling it to prevent brittleness. Intentionally strengthening and improving metal in this manner is Makeh B'patish. ■

1 The 39 Melachos, by Rabbi Dovid Ribiat. Pages 1111-1117. Used with permission of the author ■

